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8 Attorneys for Defendant ARISTA NETWORKS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 ARISTA NETWORKS, INC.,

16 Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**DECLARATION OF ELIZABETH K.
MCCLOSKEY IN SUPPORT OF
DEFENDANT ARISTA'S PROPOSED
DISCOVERY PLAN**

Date: February 18, 2016
Time: 9:00 a.m.
Judge: Hon. Beth Labson Freeman
Dept.: Courtroom 3

Date Filed: December 5, 2014

Trial Date: August 1, 2016

1 I, Elizabeth K. McCloskey, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and an associate
3 at the law firm of Kecker & Van Nest LLP, counsel for Defendant Arista Networks, Inc. in the
4 above-captioned action. I am admitted to practice before this Court.

5 2. I have personal knowledge of the facts set forth herein, and if called upon to testify
6 as a witness thereto, I could do so competently under oath.

7 3. Attached hereto as Exhibit A is a true and correct copy of an excerpt of Arista's
8 Third Supplemental Response to Cisco's Interrogatory No. 10, dated November 10, 2015. The
9 excerpt provides a list of Cisco's asserted CLI commands and author/originator information for
10 the commands.

11 4. Attached hereto as Exhibit B is a true and correct copy of the September 30, 2015
12 hearing transcript before Judge Paul S. Grewal on Arista's Motion to Compel Interrogatory
13 Responses.

14 5. Attached hereto as Exhibit C is a true and correct copy of a table created by
15 counsel for Arista Networks, Inc., listing the number of unique individual authors contained in
16 Exhibit F to Cisco's Second Supplemental Response to Arista's Interrogatory No. 16, and the
17 number of times the authors appear in the list.

18 6. Attached hereto as Exhibit D is a true and correct copy of a document that was
19 produced by Cisco and Bates stamped CSI-ANI-00472953-56. Arista will contemporaneously file
20 Exhibit D under seal with a separate administrative motion to file under seal pursuant to Civil
21 Local Rule 79-5 because it contains information that was designated by Cisco as confidential
22 under the protective order.

23 7. Attached hereto as Exhibit E is a true and correct copy of a document that was
24 produced by Cisco and Bates stamped CSI-ANI-00402450-53. Arista will contemporaneously file
25 Exhibit E under seal with a separate administrative motion to file under seal pursuant to Civil
26 Local Rule 79-5 because it contains information that was designated by Cisco as confidential
27 under the protective order.
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1 8. Attached hereto as Exhibit F is a true and correct copy of a document that was
2 produced by Cisco and Bates stamped CSI-ANI-00056463-00056463.000021. Arista will
3 contemporaneously file Exhibit F under seal with a separate administrative motion to file under
4 seal pursuant to Civil Local Rule 79-5 because it contains information that was designated by
5 Cisco as confidential under the protective order.

6 9. Attached hereto as Exhibit G is a true and correct copy of an article by Tiernan
7 Ray, entitled *Cheeky Arista Takes On Cisco; Is It Different This Time?*, published by Barron's on
8 February 21, 2015.

9 10. Attached hereto as Exhibit H is a true and correct copy of a document that was
10 produced by Cisco and Bates stamped CSI-ANI-00072292-00072292.000001. Arista will
11 contemporaneously file Exhibit H under seal with a separate administrative motion to file under
12 seal pursuant to Civil Local Rule 79-5 because it contains information that was designated by
13 Cisco as confidential under the protective order.

14 11. Attached hereto as Exhibit I is a true and correct copy of an excerpt of Cisco's
15 Sixth Supplemental Objections and Responses to Defendant Arista Networks, Inc.'s First Set of
16 Interrogatories (9 and 10), dated November 11, 2015.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct and that this declaration was executed on November 12, 2015, in San
19 Francisco, California.

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ELIZABETH K. MCCLOSKEY